

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JING QING WANG,

Petitioner,

v.

BRUCE E. CHADBOURNE, et al.,

Respondents.

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Civil Action No. 10-11826-JLT

ORDER

January 3, 2011

TAURO, J.

After reviewing the Parties' submissions, this court hereby orders that Respondents' Motion to Dismiss [#6] is ALLOWED. Pursuant to the REAL ID Act of 2005,¹ this court lacks subject matter jurisdiction to stay petitioner's removal.² For that reason, this court's Order allowing Petitioner's Emergency Motion to Stay Removal [#2] is VACATED. The Petition for Writ of Habeas Corpus is DISMISSED. This case is CLOSED.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge

¹ Pub. L. No. 109-13, Div. B, 119 Stat. 302.

² See 8 U.S.C. § 1252(a)(5), (b)(9), (g); Ishak v. Gonzalez, 422 F.3d 22, 29 (1st Cir. 2005) ("The plain language of these amendments, in effect, strips the district court of habeas jurisdiction over final orders of removal, including orders issued prior to the enactment of the Real ID Act. . . . Congress has no definitively eliminated any provision for jurisdiction.").